

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JEFFERY WILSON,

Plaintiff,

Case No. 2:20-CV-5406

vs.

Chief Judge Algenon L. Marbley

Magistrate Judge Elizabeth P. Deavers

**LOST & FOUND RECOVERY
EXPERTS, LLC. *et al.*,**

Defendants.

REPORT AND RECOMMENDATION

This case was filed on October 15, 2020. (ECF No. 1.) On January 19, 2021, Plaintiff was ordered to show cause within fourteen days why the claims against Defendant Don McKenzie should not be dismissed and why an extension of time to effect service on this Defendant should be allowed. (ECF No. 12.) Plaintiff responded to the show cause order explaining that he has discontinued service efforts on Defendant Don McKenzie.¹ (ECF No. 16.) It is therefore **RECOMMENDED** that Plaintiff's claims against Defendant Don McKenzie be **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 4(m) for failure to timely effect service of process.

PROCEDURE ON OBJECTIONS

¹ Prior to filing his response to the show cause order, Plaintiff had filed a Notice of Voluntary Dismissal without Prejudice as to this Defendant. (ECF No. 13.) Plaintiff was advised by Order dated February 2, 2021, that his Notice, filed pursuant to Rule 41, did not have the effect of dismissing the claims against Don McKenzie and they remained pending. (ECF No. 15.)

If any party seeks review by the District Judge of this Report and Recommendation, that party may, within fourteen (14) days, file and serve on all parties objections to the Report and Recommendation, specifically designating this Report and Recommendation, and the part in question, as well as the basis for objection. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy. Fed. R. Civ. P. 72(b).

The parties are specifically advised that the failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. *See, e.g., Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) (holding that “failure to object to the magistrate judge’s recommendations constituted a waiver of [the defendant’s] ability to appeal the district court’s ruling”); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005) (holding that defendant waived appeal of district court’s denial of pretrial motion by failing to timely object to magistrate judge’s report and recommendation). Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007) (“[A] general objection to a magistrate judge’s report, which fails to specify the issues of contention, does not suffice to preserve an issue for appeal”) (citation omitted)).

IT IS SO ORDERED.

DATED: February 19, 2021

/s/ *Elizabeth A. Preston Deavers*
ELIZABETH A. PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE